THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 9537 of 2002

Oral order:

The petitioners, who are MPTC Members, have filed this writ petition assailing the action of respondent Nos. 1 and 2, namely the Mandal Parishad Development Officer and the Mandal Parishad President, in sending proposals to respondent No.3, namely the Chief Executive Officer, for administrative sanction for works of Saidapuram Mandal Parishad without putting them for consideration by the General Body of the Mandal Parishad and without obtaining its approval, and the consequential action of accepting and implementing the said proposals, as illegal, irregular and arbitrary.

On 21.05.2002, though this Court while admitting the writ petition, granted interim stay for a period of four weeks, the same was not extended subsequently.

The respondents filed detailed counters *inter alia* contending that the petitioners also participated in the meeting and passed resolution.

To verify whether or not the petitioners participated in the General Body Meeting of the Mandal Parishad, I directed the learned Government Pleader for Panchayat Raj to call for the record, including the minutes of the meeting.

In pursuance of the directions of this Court, the learned Government Pleader for Panchayat Raj produced the original record. Upon perusal of the record, it is clear that the petitioners, who filed this writ petition also along with other MPTC Members participated in the General Body Meeting of the Mandal Parishad, held on 07.09.2001, and they unanimously resolved to implement the Prime Minister's Sadak Yojana Programmes Action Plan 2001-02 to 2006-07.

The petitioners having participated in the meeting, which is evident from the minutes book, cannot contend that respondent Nos. 1 and 2 without placing the proposals before the General Boady of the Mandal Parishad and without taking its approval, are implementing the proposals, which is utterly false.

Hence, the writ petition is devoid of merit, and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Date: 10.02.2006

KSR